



Deposition of:
Trevor J. Ames

December 2, 2020

In the Matter of:
Bowen v. Adidas

A. William Roberts, Jr & Assoc.

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1 UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF SOUTH CAROLINA
3 COLUMBIA DIVISION
4

5 BRIAN BOWEN, II,)
6 Plaintiff,)
7 v.) C/A No.
8 ADIDAS AMERICA, INC.; JAMES) 3:18-3118-JFA
9 GATTO; MERL CODE; CHRISTIAN)
10 DAWKINS; MUNISH SOOD;)
11 THOMAS GASSNOLA; and)
CHRISTOPHER RIVERS,)
Defendants.)
)

12 VIDEO CONFERENCE DEPOSITION OF
13 TREVOR J. AMES
14 Contain Confidential Material
15 Taken in behalf of Plaintiff
16

17 * * *

18 December 2, 2020
19 Portland, Oregon
20

21 Shannon K. Krska,
22 CSR, CCR
23 Court Reporter
24
25

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<p style="text-align: right;">Page 42</p> <p>1 store -- you know, if you had notes or, you</p> <p>2 know, your own Excel models, that type of thing,</p> <p>3 where did you store that information? Was that</p> <p>4 on a centralized server or was it sort of on</p> <p>5 your desktop or somewhere else? How did that</p> <p>6 work?</p> <p>7 MR. FORBES: Objection.</p> <p>8 THE WITNESS: All of -- all of -- I</p> <p>9 would say most of my financial documents were</p> <p>10 stored on our internal drive.</p> <p>11 Q. (By Mr. Ram) The internal drive. Did</p> <p>12 that internal drive have a name?</p> <p>13 A. We call it the N drive, but I don't -- I</p> <p>14 don't know what the -- if there's more to that.</p> <p>15 Q. Okay. You said N as in Nancy or --</p> <p>16 A. Yes, correct.</p> <p>17 Q. All right.</p> <p>18 Are you familiar with the term budget</p> <p>19 codes?</p> <p>20 A. Yes.</p> <p>21 Q. What are budget codes?</p> <p>22 A. It's a combination of your -- the GL</p> <p>23 number, the company code, and the -- could be</p> <p>24 the internal order number or a cost center,</p> <p>25 depending on what the spend is, but it was --</p>	<p style="text-align: right;">Page 44</p> <p>1 general ledger account that's being expensed</p> <p>2 against that's being paid to the vendor?</p> <p>3 A. Yes.</p> <p>4 Q. All right. So you can have multiple</p> <p>5 vendors who submit invoices be expensed against</p> <p>6 the same budget code. Correct?</p> <p>7 A. That could happen.</p> <p>8 Q. All right. And that wouldn't be</p> <p>9 unusual, would it?</p> <p>10 A. No.</p> <p>11 Q. All right. Do you recall whether</p> <p>12 grassroots basketball, how many budget codes</p> <p>13 were assigned to that unit?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. Was it more than one or how</p> <p>16 granular were -- are the budget codes for sports</p> <p>17 marketing?</p> <p>18 A. It was up to the budget owner how they</p> <p>19 would like to -- we would like to have more to</p> <p>20 help signify what the spend is for easily.</p> <p>21 Q. Was that important to do, to have the</p> <p>22 right budget code for different expenses?</p> <p>23 A. It was -- it was important to have it --</p> <p>24 have it correct.</p> <p>25 Q. And just why is it important to have it</p>
<p style="text-align: right;">Page 43</p> <p>1 the budget code was there to -- to put the --</p> <p>2 the -- to put the spend in the right category I</p> <p>3 guess.</p> <p>4 Q. When you say put the spend in the right</p> <p>5 category, does that mean to essentially assign</p> <p>6 whatever money was spent to a particular vendor</p> <p>7 or individual or company that was paid out?</p> <p>8 A. So one example would be a contract</p> <p>9 payment, we would want to make sure that it goes</p> <p>10 to the correct cash GL line, and then we'd also</p> <p>11 want that spend to be coded to the correct in</p> <p>12 this case internal order number that was</p> <p>13 associated with the contract.</p> <p>14 Q. All right. Are budget codes the same</p> <p>15 thing as vendor numbers?</p> <p>16 A. No.</p> <p>17 Q. What's the difference between a budget</p> <p>18 code and a vendor number?</p> <p>19 A. A vendor number is -- is the -- is the</p> <p>20 number that signifies who is the -- who is</p> <p>21 receiving the payment. A budget code is --</p> <p>22 is -- is something different that's more on</p> <p>23 the -- the budgeting forecasting actuals side.</p> <p>24 Q. All right. So is the budget code the</p> <p>25 code for the -- I guess you said either -- the</p>	<p style="text-align: right;">Page 45</p> <p>1 correct?</p> <p>2 A. So we can -- so we could quickly see</p> <p>3 what a spend was -- was for.</p> <p>4 Q. All right. If the wrong budget code is</p> <p>5 assigned to a spend or an expense, would the</p> <p>6 company's books and records be accurate at that</p> <p>7 point?</p> <p>8 A. If -- if it was incorrect, we would --</p> <p>9 we could do a re-class to the correct -- to the</p> <p>10 correct budget code if necessary.</p> <p>11 Q. All right. And if there was no re-class</p> <p>12 done or there was no request to re-class from</p> <p>13 one budget code to another, would the books and</p> <p>14 records be accurate?</p> <p>15 A. It would -- it would still fall under</p> <p>16 the marketing group overall, so it would still</p> <p>17 be accurate in that sense. But we like to try</p> <p>18 to keep those as -- we would try to make it as</p> <p>19 accurate as possible down to the internal order</p> <p>20 number.</p> <p>21 Q. All right.</p> <p>22 Okay. And, again, it's a common sense</p> <p>23 question, but why -- why would you try to keep</p> <p>24 it as accurate as possible?</p> <p>25 A. So we could have better visibility</p>

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<p style="text-align: right;">Page 46</p> <p>1 into -- into what the spend was for and help the</p> <p>2 team stay on -- stay on budget.</p> <p>3 Q. Okay.</p> <p>4 How you doing right now? Do you want to</p> <p>5 take a quick break or are you all right?</p> <p>6 A. Quick break would be -- would be great.</p> <p>7 Q. Okay. Let's take just a quick</p> <p>8 five-minute break and we'll reconvene in five</p> <p>9 minutes.</p> <p>10 Before we do, I just want to remind you,</p> <p>11 to the extent you have any discussions with</p> <p>12 anybody, I'm going to ask you to -- to describe</p> <p>13 those discussions to me when we get back. And</p> <p>14 also if you talk to any attorneys about the</p> <p>15 substance of your testimony, they're going to be</p> <p>16 obligated to -- to disclose that as well on the</p> <p>17 record. So just want to give you fair warning</p> <p>18 before we go on a break.</p> <p>19 A. Okay.</p> <p>20 Q. All right. Good deal. We'll come back</p> <p>21 in five or so minutes.</p> <p>22 (Recess: 10:51 a.m. to 11:04 a.m.)</p> <p>23 Q. (By Mr. Ram) All right. Let's go ahead</p> <p>24 and get started again then.</p> <p>25 Trevor, do you have any -- during the</p>	<p style="text-align: right;">Page 48</p> <p>1 THE WITNESS: I'm not.</p> <p>2 MR. FORBES: No.</p> <p>3 Q. (By Mr. Ram) Okay. Well, if it comes</p> <p>4 back, let us know.</p> <p>5 A. Okay.</p> <p>6 Q. All right. So -- and I wasn't sure what</p> <p>7 your prior response was. I think -- did you say</p> <p>8 there was multiple processes during 2015 to 2017</p> <p>9 for approving invoices for payment for sports</p> <p>10 marketing?</p> <p>11 A. Yes. There was a couple, a couple</p> <p>12 different ways.</p> <p>13 Q. All right. Can you -- can you describe</p> <p>14 those processes for us, please?</p> <p>15 A. One way was through our PO system which</p> <p>16 was through SAP, another way was a manual</p> <p>17 invoice approval process, and another way would</p> <p>18 have been our contract payment approval process.</p> <p>19 Q. All right. Let's start with the first</p> <p>20 process. What did you describe that as? What</p> <p>21 was the term you used for the first process?</p> <p>22 A. I used PO, but it stands for purchase</p> <p>23 order process.</p> <p>24 Q. Okay. And what is the -- the PO</p> <p>25 process?</p>
<p style="text-align: right;">Page 47</p> <p>1 break did you have any conversation regarding</p> <p>2 your testimony with anybody?</p> <p>3 A. No.</p> <p>4 Q. I'm sorry, what was that?</p> <p>5 A. No.</p> <p>6 Q. All right. Thank you.</p> <p>7 In the -- the 2015 to 2017 time frame</p> <p>8 while you were a financial analyst in sports</p> <p>9 marketing, did you have any involvement in the</p> <p>10 processing of invoices for payments?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And are -- are you familiar with</p> <p>13 the process that -- that was used in 2015</p> <p>14 through 2017 for invoice approval and payment</p> <p>15 for sports marketing?</p> <p>16 A. There was, at that time, a --</p> <p>17 We're having an echo.</p> <p>18 There was a -- there was a couple</p> <p>19 different ways -- sorry, I'm getting --</p> <p>20 Q. There was a couple different processes?</p> <p>21 A. Apologize, I'm getting a big echo.</p> <p>22 MR. FORBES: Yeah, I'm hearing that as</p> <p>23 well. Shannon or Colin, is that you maybe?</p> <p>24 MR. RAM: I only have -- are you hearing</p> <p>25 it right now from me?</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Someone would submit a PO through our PO</p> <p>2 system and -- and, based on the value, they</p> <p>3 would have to put in the -- and based on the</p> <p>4 value --</p> <p>5 THE REPORTER: I'm not able to catch</p> <p>6 this.</p> <p>7 Q. (By Mr. Ram) Okay. Hold on.</p> <p>8 Yeah. The connection there was breaking</p> <p>9 up I think for us. Do you mind repeating that,</p> <p>10 that response, please?</p> <p>11 A. Sure. The PO process where someone</p> <p>12 would submit a PO by putting in the budget code</p> <p>13 for the GL line item as well as the internal</p> <p>14 order number. They would also have to put in</p> <p>15 the vendor number. And it was all through SAP</p> <p>16 or our PO system. And based on the value, it</p> <p>17 would get approved by different people before we</p> <p>18 would have a purchase order created.</p> <p>19 Q. All right.</p> <p>20 Shannon, were you able to get that?</p> <p>21 THE REPORTER: Yes. Thank you.</p> <p>22 Q. (By Mr. Ram) And with that -- that PO</p> <p>23 process, who could -- who could enter that</p> <p>24 information into SAP? Who was authorized to do</p> <p>25 that?</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. It would have been someone -- anyone on 2 the marketing -- marketing team. 3 Q. All right. And were there -- you 4 mentioned that there's different approvals 5 depending on the invoice. Was there a threshold 6 -- dollar amount threshold that determined what 7 types of approvals the invoice would receive? 8 A. There were dollar thresholds. I -- I 9 can't remember what the exact thresholds were. 10 Q. Do you have a ballpark sense of what 11 they were in terms of hundred dollars, 10,000, 12 \$20,000? 13 A. I don't -- I don't remember the 14 specifics part of that. 15 Q. Okay. Was -- was that -- was that 16 documented somewhere in terms of what the 17 threshold values were for various approvals? 18 A. It -- it would have been documented. 19 Q. Do you know where it would be 20 documented? 21 A. I don't know. 22 Q. Okay. Would you have had access to that 23 in your job as a financial analyst? 24 A. Yes. 25 Q. Okay. Would that have been -- I mean,</p>	<p style="text-align: right;">Page 52</p> <p>1 criteria that it had to hit in order to be 2 accepted, one of them being the purchase order 3 number. And if that matched with the amount of 4 the purchase order, then it would be processed 5 for payment. 6 Q. Okay. Did you -- as a financial analyst 7 in the marketing finance group, did you have 8 visibility into that PO process? In terms of 9 somebody from sports marketing enter the data 10 into SAP, would that come across your desk at 11 some point? 12 A. Because I did -- I did not have 13 approval -- I wasn't able to approve things, it 14 wouldn't -- during the approval process it would 15 not have come across my desk. 16 Q. All right. Who -- who had authority to 17 approve invoices within marketing finance? 18 A. It would have been the budget owners as 19 well as finance had to approve if it was above a 20 certain amount as well as different thresholds 21 from there. So it would go up, senior director 22 of sports marketing would have to approve if 23 it's -- if it's above a certain amount as well. 24 Q. All right. And would Lindsay -- from 25 the finance point of view, marketing finance,</p>
<p style="text-align: right;">Page 51</p> <p>1 how would you have gone about it? I mean, if 2 somebody asked you today, hey, you know, what 3 were the thresholds we used for different 4 approvals in 2016 and 2017, where would you look 5 to find that information? 6 A. I would either look at -- there is a 7 what we call SRM which is our PO process. There 8 is a portal that has training documents and -- 9 and you can -- I believe you can request access 10 to it from there online, and so I would start 11 there. 12 Q. And someone from that sports marketing 13 can enter -- do they enter a request into SAP 14 saying, hey, please process this purchase order? 15 Is that -- is that what you're referring? Or is 16 there a different process? 17 A. They would -- they would put in the PO 18 into the system. The PO would get -- if it got 19 approved, it would come back with a purchase 20 order that would be sent to the vendor. And 21 then the vendor -- once the -- once the service 22 was received, the vendor would then submit the 23 invoice to an email collection box. And if it 24 had -- 25 There were a bunch of -- there was a few</p>	<p style="text-align: right;">Page 53</p> <p>1 would it be Lindsay Harksen who had that 2 approval authority? 3 A. Yes. 4 Q. All right. Did anyone else in marketing 5 finance, other than Lindsay, have authority to 6 approve invoices? 7 A. If it was above a certain amount, we 8 would need approval from our VP of finance. 9 Q. Okay. And who was the VP of finance at 10 the time? 11 A. It -- I believe it changed during that 12 time. At first when I first started it was 13 somebody named Klaus Flock, and currently it's 14 Annie Mitchell. 15 Q. All right. Was Klaus based in the US or 16 was he based overseas? 17 A. He was based in the US. 18 Q. And is Amy (sic) Mitchell, is she based 19 in the US as well? 20 A. Yes. 21 Q. All right. And so the second process 22 you mentioned was the manual process. Can you 23 please describe that for us? 24 A. It's a process where someone from the 25 marketing team would send -- in my case where I</p>

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<p style="text-align: right;">Page 54</p> <p>1 had involvement with, they would send me an 2 invoice. I would then put in the -- the vendor 3 and the budget code information based on -- 4 based on what the invoice says, and then I would 5 get approvals from the -- the business -- budget 6 owner finance approval as well as I would -- I 7 would get senior director of sports marketing 8 approval as well. 9 Q. All right. And who was the senior 10 director of sports marketing at the time? 11 A. Chris McGuire. 12 Q. All right. And so when you -- you said 13 somebody from sports marketing would send you an 14 invoice. And I guess that's what the manual 15 process is. Right? You would manually 16 receiving the invoice? 17 A. Correct. 18 Q. All right. Would that be sent to you 19 through email? 20 A. Could be email, could be drop -- drop 21 off an invoice at my desk. 22 Q. All right. And we'll take a look at 23 some of these in a few minutes. 24 And so what do you -- once you receive 25 that -- that invoice, whether it's dropped off</p>	<p style="text-align: right;">Page 56</p> <p>1 payable review it and reject it? 2 MR. FORBES: Objection. 3 THE WITNESS: I'm not -- I don't know 4 what their -- exactly what their process was 5 once they would receive the invoice. 6 Q. (By Mr. Ram) All right. Would you get 7 an automated notice either on software or email 8 that the invoice has been rejected or would 9 somebody pick up the phone or email you? I 10 mean, just how did that process work? 11 MR. FORBES: Objection. 12 THE WITNESS: I can't remember all the 13 different reasons. If -- I could -- one of the 14 ways that I would communicate with them is 15 through the ASPEN ticketing system. 16 Q. (By Mr. Ram) Okay. And once you get 17 the required approvals for a particular invoice, 18 did you say you submitted it over to accounts 19 payable at that point? 20 A. Yes. 21 Q. All right. Is your involvement in 22 the -- the invoice payment process completed 23 then or do you have any further tracking 24 responsibilities for it to make sure it actually 25 does get paid?</p>
<p style="text-align: right;">Page 55</p> <p>1 at your desk or emailed to you or transmitted 2 some other way, what -- you know, what's your 3 first step in processing that invoice? 4 A. The first step would be to get the 5 budget code and the vendor information on there 6 where I would -- I would manually write that 7 information on the invoice. And then from there 8 I would get approvals. 9 Q. All right. And so did you -- and I know 10 we talked about it, you don't recall exactly 11 what the approval threshold was, but was there 12 sort of a -- did the system tell you, you know, 13 if you enter the data into SAP, would it say, 14 okay, now you need to get approval from these 15 individuals, or was it -- was it up to you to 16 determine who gets -- 17 A. If I -- 18 Q. -- who has the approval authority? 19 A. If I did not have proper approvals, it 20 would be rejected from -- from accounts payable. 21 Q. From accounts payable? 22 A. Yes. 23 Q. Okay. Was that -- was that a manual 24 process in terms of rejection or -- or would 25 somebody, you know, a person within accounts</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. FORBES: Objection. 2 THE WITNESS: If -- if a business 3 partner were to come back to me and ask that -- 4 where -- where a payment is in -- is in the 5 process, I -- I could reach out to accounts 6 payable in that regard. But once I submit it, 7 it was not part of my process to -- to check in 8 that sense. 9 Q. (By Mr. Ram) Okay. 10 All right. I want to show you a 11 document I've marked as Exhibit Number 1. And 12 this is an invoice. 13 (Deposition Exhibit Number 1 marked for 14 identification.) 15 Q. (By Mr. Ram) Let me know when you're 16 able to pull it up on your screen there. 17 In the folder it should be marked as 18 Exhibit 1. And just go ahead and click on it. 19 And it's a three-page document. 20 A. I see it. 21 Q. Okay. And this is -- for the record, 22 it's -- it's an exhibit from the criminal trial. 23 It's Government Exhibit 1010. 24 And so I'd like, Trevor, if you can 25 scroll down to the third page of that document,</p>

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